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12 Attorneys for Plaintiff

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA,) CR No. CR 03-08-70175 MAG
17 Plaintiff,) STIPULATION AND [PROPOSED] ORDER
18 v.) CONTINUING THE PRELIMINARY
19 ERIC "EDDIE" ESTRADA-CASAS,) HEARING AND EXCLUDING TIME
20 Defendant.)
21 _____)

22 _____ This matter is set for a Preliminary Hearing / Arraignment on April 14, 2008. The parties
23 are discussing pre-trial resolution of this matter and require additional time for defense counsel
24 to review discovery and for the parties to engage in meaningful discussions. Finally, counsel for
25 the defendant does not believe that it is in his client's best interest to hold a preliminary hearing
26 within 20 days, pursuant to Fed. R. Crim. P. 5.1(c),(d). The parties now stipulate and request
27 that the Court enter an Order that the Preliminary Hearing be removed from the April 14, 2008
28 calendar and be continued until May 23, 2008 and that time should be excluded from the Speedy
Trial Act calculations from April 14, 2008 calendar and be continued until May 23, 2008 for
effective preparation of counsel. The parties represent that granting this continuance is

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1 necessary for effective preparation of counsel to permit defense counsel to review discovery and
2 to afford counsel time to discuss pre-indictment resolution, taking into account the exercise of
3 due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).

4 IT IS SO STIPULATED.

5 JOSEPH P. RUSSONIELLO
6 United States Attorney

7 DATED: April 11, 2008

8 /s/Denise Barton
9 DENISE MARIE BARTON
10 Assistant United States Attorney

11 DATED: April 11, 2008

12 /s/
13 CHRISTOPHER MORALES
14 Attorney for ERIC "EDDIE" ESTRADA- CASAS

15 IT IS SO ORDERED.

16 For the reasons stated above, the Preliminary Hearing shall be removed from the April
17 14, 2008 calendar and be continued until May 23, 2008. The Court further finds that the ends of
18 justice served by the continuance outweigh the best interests of the public and the defendant in a
19 speedy trial and that time should be excluded from the Speedy Trial Act calculations from April
20 14, 2008 calendar and be continued until May 23, 2008 for effective preparation of counsel. See
21 18 U.S.C. §3161(h)(8)(A). The failure to grant the requested continuance would deny the
22 defendant effective preparation of counsel, taking into account the exercise of due diligence, and
23 would result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

24 DATED: April 14, 2008

25 
26 Honorable James Larson
27 United States Magistrate Judge

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